

REMARKS

Status of Claim(s) & Summary of Claim Amendments

An Amendment was filed June 25, 2008, amending the claims and requesting reconsideration of the rejected claims. The Examiner responded with a Final Rejection mailed September 22, 2008, after which Applicants filed a Notice of Appeal. Therefore, claim 1 in this Amendment under 37 C.F.R. § 41.33(b)(1) is taken from the Amendment under 37 C.F.R. § 1.111, filed June 25, 2008.

By the present amendment, claims 2-16 are cancelled without prejudice or disclaimer, so as to simplify issues for appeal. Claim 1 remains pending.

Applicants respectfully submit that claims 2-16 are cancelled merely to simplify issues for appeal, and thus claims 2-16 are cancelled without prejudice or disclaimer. Applicants reserve the right to re-introduce claims 2-16 in this application, or in continuing application(s), and thus Applicants do not dedicate claims 2-16 to the public.

Applicants submit that no new matter is added.

Appeal Brief

Applicants file concurrently herewith, an Appeal Brief setting forth Applicants' arguments in response to the Final Rejection dated September 22, 2008, and the Notice of Appeal filed December 19, 2008.

Applicants respectfully note that filing of the present amendment is provided for in 37 C.F.R. § 41.33(b)(1). Namely, that this amendment "may be admitted to cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding." 37 C.F.R. § 41.33(b)(1). *See also* Manual of Patent Examining Procedure ("MPEP") § 1206, Rev. 3, August 2005.

Accordingly, Applicants respectfully request entry of the present amendment because the cancellation of claims 2-16 does not affect the scope of any other pending claims in the proceeding (as only claim 1 is now pending), and further the present amendment simplifies issues for appeal.

Conclusion

The Commissioner is hereby authorized to charge any required fees or refund excess payments to Novo Nordisk Inc. Deposit Account No. 14-1447.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: May 19, 2009

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